

EXHIBIT 1

In the matter of an arbitration
under the Rules of Arbitration of
the International Centre for
Settlement of Investment Disputes

Case No. ARB/14/22

ICC Hearing Centre
112, avenue Kléber
Paris, 75016
France

Day 2 Tuesday, 27th March 2018
Hearing on Forensic Expert Evidence

Before:

PROFESSOR GABRIELLE KAUFMANN-KOHLER
PROFESSOR ALBERT JAN VAN DEN BERG
PROFESSOR PIERRE MAYER

(1) BSG RESOURCES LIMITED
(2) BSG RESOURCES (GUINEA) LIMITED
(3) BSG RESOURCES (GUINEA) SÀRL

Claimants

-v-

THE REPUBLIC OF GUINEA

Respondent

JAMES LIBSON, KAREL DAELE, KATY COLTON, JENNY HINDLEY and
MOHAMMED NAZEER, of Mishcon de Reya LLP, and DAVID BARNETT,
of Barnea & Co, appeared on behalf of the Claimants.

MICHAEL OSTROVE, SCOTT HORTON and THÉOBALD NAUD, of
DLA Piper, and LAURENT JAEGER, YANN SCHNELLER and AGNÈS
BIZARD, of Orrick, appeared on behalf of the Respondent.

Secretary to the Tribunal: BENJAMIN GAREL
Assistant to the Tribunal: MAGNUS JESKO LANGER

Transcript produced by Trevor McGowan
Georgina Vaughn and Lisa Gulland
www.thecourtreporter.eu

ALSO APPEARING

FOR CLAIMANTS

STEPHEN PETERS, BDO

ROBERT RADLEY, Radley Forensic Document Laboratory

FOR RESPONDENT

ANDREA LAPUNZINA VERONELLI, DLA Piper

CLÉMENTINE EMERY, DLA Piper

RACHEL GANEM, DLA Piper

MARIE CHEREAU, Orrick

LUCILLE COULON, Orrick

COURT REPORTER

SIMONE BARDOT, French court reporter

INTERPRETERS

SARAH ROSSI, French-English interpreter

CHRISTINE VICTORIN, French-English interpreter

CHANTAL BRET, French-English interpreter

<p>18:32 1 case it may be that BSGR or the administrators want to 2 make submissions to this Tribunal about whether or not 3 it has the authority to do that. Or it may be that we 4 ourselves decide, after looking at it, that we have to 5 make an application to the Guernsey courts, in which 6 case we'll do that, as necessary. So I'd hate to 7 prejudge that before we've taken counsel. 8 THE PRESIDENT: I think the best way of doing this is you 9 make your submission on 17th April, and the Tribunal 10 then decides whether it needs to hear you, or whatever 11 the appropriate action is. 12 MR LIBSON: That's agreed, thank you. 13 THE PRESIDENT: There was a question about the type of cost 14 submissions. I think the Tribunal could be satisfied 15 with a statement of the costs incurred by category, 16 without detailing every invoice, which is very tedious 17 and not necessarily helpful. We don't need the 18 supporting documentation. 19 But then the other side could have a brief time to 20 comment. In case one party thinks that the other's 21 costs on this item are unreasonable or so, they could 22 then raise this and we would take it into consideration. 23 And that would be a deadline that would follow the 24 2nd July second round. 25 How much time would you like then? End of July</p> <p style="text-align: center;">Page 245</p>	<p>18:36 1 MR OSTROVE: There is a narrow scope of issues on which we 2 are able to agree! 3 THE PRESIDENT: Can I suggest 14th September? Then it's 4 done, and I incorporate it in the order. It's a Friday. 5 The 21st? The 14th? 6 MR DAELE: Yes, the 14th is fine. 7 THE PRESIDENT: The 14th is fine. 8 The transcript corrections: you will agree as soon 9 as you get them. You get the transcripts and the audio; 10 there is audio as well, right? And then should we set 11 a time, in case there is disagreement on anything, for 12 you to raise it? Or do you want to agree among counsel? 13 MR DAELE: I would say maybe somewhere in the end of next 14 week or something. We need to review, and it's Easter 15 and some of us will be away. 16 THE PRESIDENT: Yes. 17 MR DAELE: So maybe by next week, Friday or something. 18 THE PRESIDENT: That is fine. That is 6th April. 19 MR OSTROVE: That's fine with us again, assuming that we do 20 like we did last time, which is: in this hearing, most 21 of the testimony and pleadings and discussions were in 22 English, so we won't correct the French translations; 23 but the parts that were done in French, we won't correct 24 the English translations. Which is what we did last 25 time, where only the actual language spoken fait foi.</p> <p style="text-align: center;">Page 247</p>
<p>18:34 1 or ...? (Pause) 2 MR OSTROVE: Unless the Tribunal thought that it might be 3 able to issue an award within a month or two of the 4 final post-hearing brief, then even if we wanted to 5 submit the cost submission in September, that would 6 be -- 7 THE PRESIDENT: You could do so, absolutely. 8 MR OSTROVE: Of course, if you thought you would get your 9 award out in August, that would be fine with us as well, 10 in which case we would accelerate our cost submission. 11 We're entirely in your hands, Madam President. 12 THE PRESIDENT: I know that this case has been pending for 13 a long time, and the Tribunal will endeavour to be 14 diligent and render an award as soon as possible. It is 15 true that the matters are complex, and there are many 16 issues and there's a lot of materials, and we also need 17 to do a serious job and not just give rough justice. 18 So you have to take all this together, and it means 19 that we can allow you to file your cost submissions in 20 September if that is preferable. 21 MR DAELE: Yes, I think so. I think we will be able, maybe 22 just the parties among themselves, to maybe agree on 23 maybe a deadline somewhere in September. I think we 24 will manage to sort something out. 25 THE PRESIDENT: You will do this, I'm sure.</p> <p style="text-align: center;">Page 246</p>	<p>18:38 1 THE PRESIDENT: Yes. It should be easier, and it's much 2 shorter as well. 3 Fine. That is all on my list. Is there anything 4 that I forgot? No. 5 Please make sure that all the different 6 presentations and materials that you have used during 7 the hearing are transmitted by electronic mail or 8 uploaded on Box, because I'm not sure everything was 9 done electronically. 10 Nothing further? No. Anything on the Claimants' 11 side? 12 MR DAELE: No, except that I would like to thank the 13 Tribunal and all the experts and the people for the 14 translation, and obviously counsel on the other side; 15 and also Mr Garel for installing the green light that 16 I've been looking at, but that we haven't used. So 17 thanks, everyone. 18 MR GAREL: On that topic, I'm going to talk off the record 19 about that portion. There were two instances. 20 THE PRESIDENT: Anything further on Respondent's side? 21 MR OSTROVE: Nothing from our side, other than likewise to 22 thank all the members of the Tribunal, the experts, 23 opposing counsel, interpreters and court reporters. 24 Thank you very much. 25 THE PRESIDENT: So it remains for me to reciprocate the</p> <p style="text-align: center;">Page 248</p>